

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ioannis Moutsatsos et al.
 Serial No. : Not yet assigned Examiner: Not yet assigned
 Filed : herewith Art Unit: Not yet assigned
 For : GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE
 MORPHOGENETIC PROTEINS

Honorable Assistant Commissioner for Patents
 Washington, D.C. 20231
 BOX: PATENT APPLICATION

LETTER UNDER 37 CFR §1.63

Pursuant to 37 CFR §1.63, the enclosed application is being filed without a signed Oath or Declaration for the purpose of obtaining a filing date. Upon notification by the United States Patent and Trademark Office, Applicants will submit an executed Declaration and Power of Attorney within the period specified and pay the requisite fee.

SUBMITTED IN TRIPLICATE

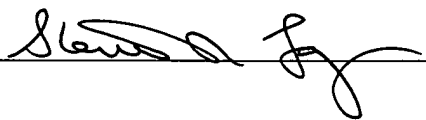
Respectfully submitted,

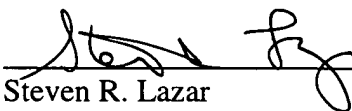
CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EM539868762US

Date of Deposit September 4, 1998

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as "Express Mail" service under 37 CFR §1.10 in an envelope addressed to Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date of deposit as indicated above.




 Steven R. Lazar
 Reg. No. 32,618
 Attorney of Record

LEGAL AFFAIRS
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 Telephone: (617) 498-8260
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 Dated: September 4, 1998

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09/04/98

**UTILITY
PATENT APPLICATION
TRANSMITTAL**
Only for new nonprovisional applications under 37 C.F.R. § 1.53(b)

Attorney Docket No. **GI5298A**
First Inventor or Application Identifier **Ioannis Moutsatsos et al.**
Title **GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE
MORPHOGENETIC PROTEINS**
Express Mail Label No. **EM539868762US**

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility application contents

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ *Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages **57**]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) [Total Sheets **10**]
4. Oath or Declaration [Total Pages **1**]
- a. ☒ Unexecuted (original copy)
- b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (Identical to computer copy)
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. Assignment Papers (cover sheet & document(s))
9. 37 C.F.R. § 3.73(b) Statement (when there is ☐ Power of Attorney an assignee)
10. English Translation Document (if applicable)
11. Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. *Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired
(PTO/SB/09-12)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Other: **Statement Pursuant to 37 CFR 1.63**

*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C. F. R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C. F. R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment.

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: **60/057,989**

Prior application Information: Examiner **Not yet assigned**

Group/Art Unit: **Not yet assigned**

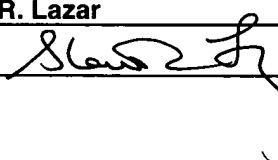
18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name	Steven R. Lazar				
Address	Genetics Institute, Inc. 87 CambridgePark Drive				
City	Cambridg	State	MA	Zip Code	02140
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Name (Print/Type)	Stev n R. Lazar	Registration No. (Attorney/Agent)	32,618
Signature		Date	S ptemb r 4, 1998

FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT

(\$ 790

Complete If Known

Application Number	Not yet assigned
Filing Date	September 3, 1998
First Named Inventor	Ioannis Moutsatsos et al.
Examiner Name	Not yet assigned
Group / Art Unit	Not yet assigned
Attorney Docket No.	GI5298A

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

07-1060

Deposit
Account
Name

GENETICS INSTITUTE, INC.

- ☒ Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 C.F.R. §§ 1.18 at the Mailing of the Notice of Allowance

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	790	201	395	Utility filing fee	790
106	330	206	165	Design filing fee	
107	540	207	270	Plant filing fee	
108	790	208	395	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$ 790

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
10	1		20**	22	0
			3**	82	0
					0

**or number previously paid, if greater; For Reissues, see below

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	22	203	11	Claims in excess of 20
102	82	202	41	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	82	209	41	**Reissue independent claims over original patent
110	22	210	11	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Fee Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English Specification	
147	2,52	147	2,520	For filing a request for reexamination	
	0				
112	920	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,84	113	1,840*	Requesting publication of SIR after Examiner action	
	0				
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	950	217	475	Extension for reply within third month	
118	1,51	218	755	Extension for reply within fourth month	
	0				
128	2,06	128	1,030	Extension for reply within fifth month	
	0				
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,51	138	1,510	Petition to institute a public use proceeding	
	0				
140	110	240	55	Petition to revive - unavoidable	
141	1,32	241	660	Petition to revive - unintentional	
	0				
142	1,32	242	660	Utility Issue fee (or reissue)	
	0				
143	450	243	225	Design Issue fee	
144	670	244	335	Plant Issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))	
149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))	

Other (specify)

Other fee (specify)

SUBTOTAL (3) (\$

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Typed or
Printed Name

Steven R. Lazar

Signature

Steven R. Lazar

Date

September 4, 1998

Complete (if applicable)

Reg. Number

32, 618

Deposit Account User ID

07-1060